



DRINKING WATER AND RADIOLOGICAL PROTECTION DIVISION POLICY AND PROCEDURES

NUMBER:	DWRP-03-010		
SUBJECT:	CORRECTION ORDERS FOR WATER WELL CONSTRUCTION CODE ENFORCEMENT ACTIONS		
EFFECTIVE DATE:	JANUARY 1, 1999	PAGE:	1 OF 2

ISSUE:

Correction orders are used to gain compliance with provisions of the state water well construction and pump installation code (Part 127, 1978 PA 368, as amended, being 333.12701 et. seq. of the Michigan Compiled Laws). The issuance of correction orders by local health departments or the Michigan Department of Environmental Quality (DEQ) is authorized under 333.12709.

The DEQ, Drinking Water and Radiological Protection Division (DWRPD), Policy and Procedure DWRP-03-008 contains provisions for inclusion of a monetary penalty for a well drilling contractor's failure to comply with a correction order, in a consent agreement negotiated between the registered contractor and the DEQ. The intent of this policy/procedure is to establish uniform statewide criteria for correction orders issued under 333.12709.

DEFINITIONS:

Correction Order: a letter issued by a local health department or by the DEQ, under the authority of 333.12709, which informs the responsible party of the existence of a state well code violation and orders the responsible party to make corrections to bring a nonconforming situation into compliance.

POLICY:

The DEQ encourages local health departments to initially attempt to gain compliance through means other than the issuance of a correction order. This includes phone calls, personal contacts, and written correction requests. All such contacts should be documented. If initial attempts fail, a correction order should be issued. A correction order shall contain all of the following:

1. Description of the violation and citation of the statute or regulation violated.
2. Brief explanation of the desired method of correction.
3. Reasonable deadline date for completing the corrections.
4. Notice of the consequences for not complying with the correction order.

DEQ suggests that correction orders be based on the attached sample letter. Only letters meeting the above criteria will be applied to R 325.1707(1)(d) of the Groundwater Quality Control Rules or Section IV(e) of DEQ DWRPD Policy and Procedure #DWRP-03-008.

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The DWRP-03-008 specifies a monetary penalty of \$1,000.00 for failure to comply with a correction order. The total penalty will be based on the number of sites at which uncorrected code violations occurred. A correction order may cite multiple code violations (for separate sites), but all code violations for a specific site should be included in the same correction order. When a single correction order contains violations at more than one site, each violation will be considered separately (\$1,000.00 X number of sites.)

- Examples:*
- a. If the correction order cites code violations at five separate sites and the contractor only corrected violations at three sites, the monetary penalty is \$2,000.00.*
 - b. If the correction order cites five code violations at the same site, failure to correct any of the violations is \$1,000.00 penalty.*
 - c. If more than one correction order was sent for a specific site, each with a different compliance date, each order will be considered separately.*

PROCEDURE:

Responsibility

Action

DEQ Well Construction Unit

Apply this policy when preparing notices of intent to revoke/suspend or when determining monetary penalties for failure to comply with correction orders pursuant to DWRP-03-008.

Attachment

APPROVED: _____
Flint C. Watt, P.E., Chief
Drinking Water and Radiological Protection Division

DATE: _____